IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5078 of 2005

Shailesh Ashok Dabhade .. Applicant

V/s

The State of Maharashtra .. Respondent

Shri M.S.Mohite for Applicant

Mr.A.S.Gadkar,A.P.P. for Respondent

CORAM:A.S.OKA,J.

DATED:19th August 2005

P.C.:-

1. Heard Advocate appearing for the Applicant and learned A.P.P. for State.

2. The Advocate for the Applicant pointed out that on the date of alleged offence prosecutrix had nearly completed the age of 16 years. He submitted that looking to the FIR lodged by the prosecutrix it is obviously a case of consent by the prosecutrix. Even according to the prosecutrix the applicant has taken the prosecutrix from place to place and prosecutrix had number of opportunities to run away or to protest. He submitted that on considering his relative young age,

the applicant is entitled to enlarged on bail.

3. The learned A.P.P. has placed on record the relevant material collected during the investigation. I have considered the submissions. The certificate annexed to the application shows that the date of birth of the prosecutrix is 17-3-1989. Therefore, on the date of which the alleged offence took place, the prosecutrix had not completed age of 16 years. Looking to the statement of prosecutrix and medical certificate, Advocate for the applicant tried to contend that it is the case of consent. However, considering the age of the prosecutrix theory of consent cannot be considered.

4. Apart from clear version of the prosecutrix, a friend of the applicant who accompanied the applicant has also supported the prosecution. There is enough material on record to show that the applicant is connected with the said offence. Considering young age of the applicant trial needs to be expedited.

5. Application is rejected. If Fast Track Court is available, the learned Sessions Judge is directed to entrust the said matter to the Fast Track Court. The trial will be concluded as expeditiously and in any case the same will be concluded within a period of six months from today.

(A.S.OKA, J.)